

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: J. David PAYNE  
Serial No.: 10/643,516  
Filed: 08/19/2003  
Confirmation No.: 4504  
Title: System and Method for Data Management  
Art Unit: 2151  
Examiner: Nghi V. Tran

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
TO OVERCOME CITED PATENTS UNDER 37 CFR 1.131**

I, J. DAVID PAYNE, declare concerning the subject matter claimed in the above-identified application that:

1. I conceived and invented the entire subject matter of the above-identified patent application.
2. All of the acts of invention described herein took place in the United States.
3. Prior to January 1, 2002, I conceived the idea of a system and method for the management of data collected from a remote computing device wherein a questionnaire which may be represented by a plurality of tokens is transmitted to the remote computing device; the questionnaire is then executed by the remote computing device and at least a portion of the response(s) to the questionnaire is/are transmitted to a network which may be a loosely networked computer.
4. As is set out in more detail below, subsequent to January 1, 2002, I and others under my direction worked diligently to further reduce to practice and improve various

embodiments of this invention until the filing of my provisional patent application on August 19, 2002.

5. Prior to January 1, 2002 and at least until August 19, 2002, I was President of Macrosolve, Inc. ("Macrosolve"), the assignee of the present patent application.
6. Beginning in January 2002, Macrosolve moved to a larger facility to accommodate the hiring of additional employees, and specifically computer programmers, primarily for the purpose of writing code for my invention which was internally named "anyforms."
7. Macrosolve, Inc. kept track of the percentage of time each computer programmer and other related employees dedicated to projects within the company in the relevant time period. Schedules, with employee names redacted, including the percentage of time devoted by each such employee between January 1, 2002 and July 31, 2002, is attached hereto as Exhibit B.
8. Based on Exhibit B, the table below shows number of employees working on the "anyforms" project and the average percentage of each employee's time devoted to the "anyforms" project for the month indicated. The column on the right shows a calculation of the approximate total number of person hours spent on the "anyforms" project by month (assuming 4 weeks of 40 total hours per week).

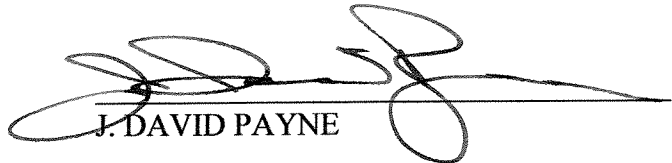
MONTH	NO. OF EMPLOYEES WORKING ON THE "ANYFORMS" PROJECT	AVERAGE PERCENTAGE OF EACH EMPLOYEE'S TIME	TOTAL HOURS DEVOTED TO "ANYFORMS"
Jan. 2002	6	8	80
Feb. 2002	6	12	120
Mar. 2002	6	18	170
Apr. 2002	7	38	430
May 2002	7	76	850
June 2002	9	83	1190
July 2002	9	80	1150
		TOTAL	3990

9. Accordingly, between January 1, 2002 and August 2002, approximately 3990 hours were spent by me, and others under my direction, diligently and without interruption on the “anyforms” invention which was the subject matter of the provisional patent application (USSN 60/404,491) filed on August 19, 2002, the date from which the present application claims benefit.

***Declaration***

I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that willful, false statements may jeopardize the validity of this application or any patent issuing therefrom.

Date: 8.17.07

  
J. DAVID PAYNE





Employee 3

	anyforms	anycollect	Project	Enç	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	10	25		5		5				55
February-02	10	40		10						40
March-02	20	75								5
April-02	30	60		5						5
May-02	97	0								3
June-02	97	0								3
July-02	97	0								3



Employee 5

	anyforms	anycollect	Project Enç	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	10	10						80	100
February-02	15	30						55	100
March-02	15	75						10	100
April-02	60	30						10	100
May-02	100								100
June-02	100								100
July-02	100								100

Employee 6

	anyforms	anycollect	Project Enç	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	5	5	5	60	30				100
February-02	5	10	50	50	35				100
March-02	10	5	55	30	30				100
April-02	10	5	60	25	25				100
May-02	30		50	20	20				100
June-02	25		50	25	25				100
July-02	25		50	25	25				100

Employee 7

August

	anyforms	anycollect	Project Enç	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02									0%
February-02									0%
March-02									0%
April-02									0%
May-02									0%
June-02	100%								100%
July-02	100%								100%

Employee 8

August

	anyforms	anycollect	Project Engagn	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	10%	20%						70%	100%
February-02	10%	20%						70%	100%
March-02	15%	50%						35%	100%
April-02	20%	50%						30%	100%
May-02	80%	5%						15%	100%
June-02	75%							25%	100%
July-02	50%							50%	100%

Employee 9

August

	anyforms	anycollect	Project Enç	Consulting Support	Hardware	Royalty	MSI	TOTAL
January-02								0%
February-02								0%
March-02								0%
April-02								0%
May-02								0%
June-02	100%							100%
July-02	100%							100%